

REMARKS

Claims 1-7 stand rejected. Claims 1, 3, 6 and 7 have been amended. Claims 8-15 are newly added. Claims 15 is presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

The basis for the amendment to claims 1 and 6 can be found in example 2-5 of the specification. The basis for newly added claims 8 and 14 can be found in paragraph [0030] of the specification. The basis for newly added claims 9-11 can be found in paragraph [0017] of the specification. The basis for newly added claim 12 can be found in paragraph [0021] of the specification. The basis for newly added claims 13 and 15 can be found in paragraph [0022] of the specification.

Objection to the Specification:

The Examiner has objected to the specification for a trademark informality. Applicant has amended the specification to capitalize the use of the designated trademarks thereby obviating this rejection.

Claim Objection:

The Examiner has objected to claims 3 and 7 for various informalities. Applicant has amended claims 3 and 7 thereby rendering this objection moot.

Rejection under 35 U.S.C. § 102 over Mowrey-McKee et al.:

On page 3 of the Office Action dated January 5, 2009, the Examiner has rejected claims 1, 3, 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by Mowrey-McKee et al. (U.S. 5,817,277). In light of this amendment, Applicant requests that this rejection be reconsidered and withdrawn.

The Examiner indicates that Mowrey-McKee et al. teaches a solution for disinfecting contact lenses containing between 50 and 200 ppm hydrogen peroxide. Applicant has amended the claims to recite a peroxide producing agent having a concentration between 0.006 and 0.0001 percent by weight. As the claimed limitation is outside of the range disclosed by Mowrey-McKee et al., it is respectfully requested that this rejection be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) over Mowrey-McKee et al. in view of Ogunbiyi et al.:

On page 4 of the Office Action dated January 5, 2009, the Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Mowrey-McKee et al. in view of Ogunbiyi et al. (U.S. 4,758,595).

As discussed above, Applicant has amended the claims to recite a peroxide producing agent having a concentration between 0.006 and 0.0001 percent by weight. As neither Mowrey-McKee et al. nor Ogunbiyi et al. teach this limitation it is respectfully urged that this rejection be reconsidered and withdrawn.

Double Patenting:

On page 5 of the Office Action dated January 5, 2009, the Examiner has provisionally rejected claims 1-7 under the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 8 of copending Application No. 11/613,050. As this is a provisional rejection, Applicant will consider filing a terminal disclaimer upon the indication of allowable claims.

Conclusion:

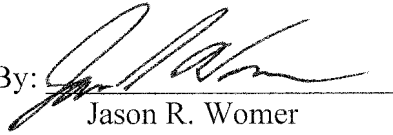
It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Applicant appreciates the opportunity to call the Examiner but believes that this amendment to the claims and the foregoing remarks fully address the issues raised by the Examiner. On the other hand, the Examiner is invited to call the undersigned attorney if he has any matters to address that will facilitate allowance of the application.

In the event that Applicant has overlooked the need for an extension of time, additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petitions therefore and authorize that any changes be made to Deposit Account No.: 50-3010.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

By: 

Jason R. Womer
Reg. No. 60,149
2000 HSBC Plaza
100 Chestnut Street
Rochester, NY 14604
Tel: (585) 325-7570 x-4306
Fax: (585) 295-8431